

Serial No. 09/428,912
Amdt. Dated February 17, 2005
Reply to Office Action of November 24, 2004

Docket No. K-0007A

REMARKS/ARGUMENTS

Claims 1-4, 7, 10-25, and 27-43 are pending in this application. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Reconsideration and withdrawal of the rejections in view of the following remarks is respectfully requested.

I. Allowable Subject Matter

The Examiner is thanked for the indication that claims 10-13, 17-19, and 35-36 are allowed.

II. Rejection(s) Under 35 U.S.C. §103(a)

A. Claims 1-4, 7, 14, and 20-24

The Office Action rejects claims 1-4, 7, 14, and 20-24 under 35 U.S.C. §103(a) as being unpatentable over Choi et al., U.S. Patent No. 5,781,553 (hereinafter “Choi”) in view of Bilgic et al., U.S. Patent No. 5,884,148 (hereinafter “Bilgic”). The rejection is respectfully traversed.

Independent claim 1 recites, *inter alia*, a base station controller and switching system which determines a communication path which selectively provides a voice communication service or a data communication service in response to a call request requested by a calling party, and outputs data and signals which control call connection between the calling party and a called

Serial No. 09/428,912
Amdt. Dated February 17, 2005
Reply to Office Action of November 24, 2004

Docket No. K-0007A

party through the determined communication path. As acknowledged by the Examiner in the remarks regarding independent claim 1, Choi neither discloses nor suggests such features. Further, Bilgic fails to overcome the deficiencies of Choi.

Bilgic discloses a wireless local loop system including a plurality of universal radio converters (URC) 104 each linked to one or more pieces of customer premises equipment (CPE) 105. One or more base stations (BS) 112 which communicate with mobile users 102 are connected to a base station controller (BSC) 113. The BSC 113 is connected to a network switch 120, which is in turn connected to a public telephone network (PSTN) 119. The BSC 113 includes a transcoding and rate adaption unit (TRAU) 118 to translate messages from the BS 112 into a network compatible format before sending them to the network switch 120, and a network management center (NMC) 114 controls operation and administration of the BSC 113 and switch 120 via individual management centers 115 and 116.

Bilgic discloses in Figure 5 a process by which a call initiated from the PSTN 119 is received by the CPE 105. First, the switch 120 locates the appropriate URC 104 by sending out a paging signal 502. When a match is found, the appropriate URC 104 responds to the paging signal 502, and a link is formed between the URC 104 and the switch 120. The switch 120 then sends a setup message 504 to the URC 104, and the URC 104 selects a free CPE 105 trunk and issues a ring signal 505 when it locates a match against one of its user stations. The URC 104 sends a call confirmed message 507 to the switch 120, and the switch initiates a resource

Serial No. 09/428,912
Amdt. Dated February 17, 2005
Reply to Office Action of November 24, 2004

Docket No. K-0007A

assignment procedure 508. When the URC 104 receives an off the hook signal 510 from the CPE 105 indicating the call has been answered, the URC 104 attaches the speech path to complete the resource assignment procedure 508. The URC 104 then sends a connect message 512 to the switch 120, the switch 120 sends a connect acknowledge message 513 in return, and the call is transmitted.

The resource assignment procedure 508 merely establishes a path through the BS 112, BSC 113, and switch 120 using the free CPE 105 trunk line selected by the URC 104. Bilgic simply discloses that this system is capable of transmitting both voice and data messages, and that these messages are transmitted via paths established through the BS 112, BSC 113, and network switch 120 based on available resources. Bilgic does not disclose or suggest that any discrimination is made between a voice call and a data call when transmitting a call, nor that the type of call is used to selectively provide a voice communication service or a data communication service as recited in independent claim 1.

Accordingly, it is respectfully submitted that independent claim 1 is allowable over the applied combination, and thus the rejection of independent claim 1 under 35 U.S.C. §103(a) over Choi and Bilgic should be withdrawn. Dependent claims 3-4, 7, 14, and 20-24 are allowable at least for the reasons discussed above with respect to independent claim 1, from which they depend, as well as for their added features.

Serial No. 09/428,912
Amdt. Dated February 17, 2005
Reply to Office Action of November 24, 2004

Docket No. K-0007A

B. Claims 15-16, 25, 27-32, and 37-43

The Office Action rejects claims 15-16, 25, 27-32, and 37-43 under 35 U.S.C. §103(a) as being unpatentable over Choi and Bilgic, and further in view of Petch et al., U.S. Patent No. 5,781,593 (hereinafter “Petch”). The rejection is respectfully traversed.

Dependent claims 15-16 and 25 are allowable over Choi and Bilgic at least for the reasons discussed above with respect to independent claim 1, from which they depend, as well as for their added features. Further, Petch is merely cited to teach the use of a selector vocoder controller, data communication radio link protocol unit, and a vocoder, and thus fails to overcome the deficiencies of Choi and Bilgic. Accordingly, it is respectfully submitted that claims 15-16 and 25 are allowable over the applied combination, and thus the rejection of claims 15-16 and 25 under 35 U.S.C §103(a) over Choi, Bilgic, and Petch should be withdrawn.

Independent claim 27 recites, *inter alia*, a communication network which exchanges data between said first communication device and said second communication device, wherein the first data transfer protocol and the second data transfer protocol are different. Choi neither discloses nor suggests such features.

More specifically, Choi discloses in Figure 2 a digital wireless private branch exchange (PBX) system which exchanges voice and control data with a terminal device 120 through a base station 300. The base station 300 includes a base station controller 320 with a CPU 321 and DNIC 329, channel controllers 330a-330d each with a CPU 331, an intermediate frequency (IF)

Serial No. 09/428,912

Docket No. K-0007A

Amdt. Dated February 17, 2005

Reply to Office Action of November 24, 2004

processor 340, and a radio frequency (RF) unit 235. The DNIC 329 in the base station controller 320 transmits and receives data in a PCM data format from the system body 100, and then transmits/receives that data to/from ADPCM circuits 324a-324d.

The CPUs 321 and 331 as disclosed by Choi are merely data storage devices, and do not function as a communication device similar to the terminal device 120. Thus, Choi discloses only one terminal device 120, and necessarily does not disclose or suggest first and second communication device with different data transfer protocols as recited in independent claim 27.

Further, Choi specifically discloses that the data is transferred/received in a single (PCM) format. As such, even if Choi's system were applied as a link between separate communication devices, Choi does not disclose or suggest that the system may be adapted to function properly in a situation where communication protocols of the respective communications devices are different, nor that the system body or base station controller 300 are capable of reconciling any differences in communication protocols.

Accordingly, it is respectfully submitted that independent claim 27 is allowable over Choi. Further, as set forth above, Bilgic fails to overcome the deficiencies of Choi. Still further, Petch is merely cited to teach the use of a selector vocoder controller, data communication radio link protocol unit, and a vocoder, and thus fails to overcome the deficiencies of Choi and Bilgic. Accordingly, it is respectfully submitted that independent claim 27 is allowable over Choi, Bilgic, and Petch, either alone or in combination, and thus the rejection of independent claim 27 under

Serial No. 09/428,912
Amdt. Dated February 17, 2005
Reply to Office Action of November 24, 2004

Docket No. K-0007A

35 U.S.C. §103(a) over Choi, Bilgic, and Petch should be withdrawn. Dependent claims 28-32 are allowable at least for the reasons discussed above with respect to independent claim 27, from which they depend, as well as for their added features.

Independent claim 37 recites, *inter alia*, identifying a type of a call and selectively providing a voice communication service or a data communication service in response to the call setting request. As set forth above, Choi neither discloses nor suggests such features. Further, as set forth above, Bilgic fails to overcome the deficiencies of Choi, and Petch fails to overcome the deficiencies of Choi and Bilgic.

Accordingly, it is respectfully submitted that independent claim 37 is allowable over the applied combination, and thus the rejection of independent claim 37 under 35 U.S.C. §103(a) over Choi, Bilgic, and Petch should be withdrawn. Dependent claims 38-43 are allowable at least for the reasons discussed above with respect to independent claim 37, from which they depend, as well as for their added features.

Serial No. 09/428,912
Amdt. Dated February 17, 2005
Reply to Office Action of November 24, 2004

Docket No. K-0007A

III. Conclusion In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Samuel W. Ntiros, at the telephone number listed below. Favorable consideration and prompt allowance are earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



Daniel Y.J. Kim
Registration No. 34,596
Samuel W. Ntiros
Registration No. 39,318

P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3701 DYK:SWN:JKM/par:cah
Date: February 17, 2005
Please direct all correspondence to Customer Number 34610